IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4979 OF 2006

The Jammu & Kashmir Bank Ltd. ...Petitioner
V/s.
M/s.Prabhat General Agencies & Ors. ...Respondents

Mr.S.N. Satpute i/b. M/s.Satpute & Co. for Petitioner.
Mr.Kishor Jain with Ms.Sheetal S. Shah i/b. Mehta & Gidharlal for Respondent No.1.
Ms.U. Shrivastav i/b. Consulta Juris for Respondents No.6 to 9.

CORAM : DR.S. RADHAKRISHNAN & V.M. KANADE, JJ.

DATED : AUGUST 17, 2006

P.C. :-

1. Heard learned Counsel for the petitioner and learned Counsel for respondent no.1 and for respondents no.6 to 9.

2. We have perused the order dated 3rd April, 2006 whereby the learned Debts Recovery Appellate Tribunal has rightly held that there is no necessity of any pre-deposit by the appellant, especially in view of the following observations in the said order, viz. :

> **"However, it is not denied by the respondent bank that the amount of Rs.4 Crores, which is in excess of the amount due from the appellants and which is received by the bank, is out of the**

sale proceeds of the properties belonging to the appellants borrowers."

3. Hence, the petition is totally devoid of merits and stands dismissed.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)